

Exhibit F

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SONY BMG MUSIC)
ENTERTAINMENT, ET AL.,) CV. NO. 03-11661-NG
) CV. NO. 07-11446-NG
)
PLAINTIFFS)
)
VS.) COURTROOM NO. 2
)
JOEL TENENBAUM,) 1 COURTHOUSE WAY
)
DEFENDANTS) BOSTON, MA 02210
)

JURY TRIAL DAY 5
JULY 31, 2009

9:10 A.M.
BEFORE THE HONORABLE NANCY GERTNER
UNITED STATES DISTRICT COURT JUDGE

VALERIE A. O'HARA
OFFICIAL COURT REPORTER

1 rights granted by the act in the copyright holder, but as
2 you have heard during the closing arguments, in this case,
3 there is no issue as to liability, there is no issue as to
4 liability.

5 So you must then decide on the damages given this
6 finding of liability, and when you do, you must decide
7 within the statutory range. Do you want to put up the
8 verdict slip. You're going to have this in the jury room,
9 and it lists each of the sound recordings and then asks you
10 about certain questions about that.

11 Each plaintiff has elected to recover statutory
12 damages instead of its actual damages for the defendant's
13 copyright infringement. The copyright act entitles a
14 plaintiff to a sum of not less than \$750 and not more than
15 \$30,000 per act of infringement, that is, per sound
16 recording downloaded or distributed without a license as you
17 consider just.

18 In determining the just amount of statutory
19 damages to award against an infringing defendant, the jury
20 is entitled to weigh a number of factors. Among these
21 factors, you may consider: (a), the nature of the
22 infringement; (b), the defendant's purpose and intent, (c),
23 the profit that the defendant reaped, if any, and the
24 expense that the defendant saved; (d), the revenue lost by
25 the plaintiff as a result of the infringement; (e), the

1 value of the copyright; (f), the duration of the
2 infringement; and, (g), the defendant's continuation of the
3 infringement after notice or knowledge of these claims; and,
4 (h), the need to deter this defendant and other potential
5 infringers.

6 This list of factors is not exhaustive, nor have
7 they been offered in any particular order. You may include
8 any other considerations you believe relevant to a just and
9 appropriate determination of damages.

10 If you find that the defendant's infringement of
11 the copyrighted work -- well, let me put it this way, the
12 Copyright Act entitles a plaintiff to a sum of not less than
13 \$750 and not more than \$150,000 for an act of infringement
14 that you find to be willful as you consider just.

15 So, willful means that a defendant had knowledge,
16 that his actions constituted copyright infringement or acted
17 with reckless disregard for the copyholder's rights.

18 In determining the just amount of statutory
19 damages for a defendant who infringed willfully, if you find
20 that, you may consider the willfulness of the defendant's
21 conduct, together with all those factors that I have listed
22 concerning statutory damages.

23 Knowledge or intent may be proved like anything
24 else. You may consider any statements made and acts done by
25 the defendant and all the facts and circumstances in